

HOUSE RESOLUTION 146

By Harwell

A RESOLUTION to urge Congress to support certain wildlife management and conservation activities in northwest Tennessee and to establish a special task force to study and support issues related to such activities.

WHEREAS, on April 23, 1970, J. Clark Akers, III, other concerned individuals, the National Wildlife Federation, and the Tennessee Conservation League joined as plaintiffs to file an action in the United States District Court for the Western District of Tennessee to challenge the sufficiency of the United States Army Corps of Engineers attempt to comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §4321, the Fish and Wildlife Coordination Act of 1958, 16 U.S.C. §661, and other laws set forth in the pleadings with regard to the West Tennessee Tributaries Project; and

WHEREAS, on May 30, 1985, United States District Judge Bailey Brown issued a Consent Order resulting in the settling of the disputes contained within the aforementioned legal action; and

WHEREAS, the terms of this Consent Order required the United States Army Corps of Engineers to acquire, in accordance with Water Resources Development Act of 1974, Public Law 93-251, 32,000 acres of land for the mitigation of fish and wildlife resources, recreation, and environmental purposes as appropriated funds are available; and

WHEREAS, as a result of the Consent Order, the United States Army Corps of Engineers purchased 13,561 acres of land to be used for the mitigation of fish and wildlife resources, recreation, and environmental purposes as defined in the Consent Order and the Water Resources Development Act of 1974, Public Law 93-251; and

WHEREAS, the transfer of the 13,561 acres from the United State Army Corps of Engineers to the State of Tennessee was made effective on February 23, 1988 by the *“Agreement Between the United States of America and the State of Tennessee for Local Cooperation in Operation, Maintenance and Development of Mitigation Lands, West Tennessee Tributaries Feature, Mississippi River and Tributaries Project”*; and

WHEREAS, the Water Resources Development Act of 1974, Public Law 93-251, and the *“Agreement Between the United States of America and the State of Tennessee for Local Cooperation in Operation, Maintenance and Development of Mitigation Lands, West Tennessee Tributaries Feature, Mississippi River and Tributaries Project”* each identify and state that the lands purchased by the United States Army Corps of Engineers for the purposes of mitigation of fish and wildlife resources, recreation, and environmental purposes, the 13,561 acres, are to be managed according to *“plans approved by the Secretary of the Army, Secretary of Interior, and the Governor of the State of Tennessee after consultation with the Tennessee Game and Fish Commission”*; and

WHEREAS, the management plan for these 13,561 acres, titled West Tennessee Tributaries Mitigation Lands Wildlife Management Plan, was created by the Tennessee Wildlife Resources Agency and agreed to by the Secretary of the Army (April 3, 1984), Secretary of the Interior (March 22, 1984), and the Governor of the State of Tennessee (February 2, 1984) and revised and updated in December 1990; and

WHEREAS, efforts to develop certain public lands identified within the West Tennessee Tributaries Mitigation Lands Wildlife Management Plan have not been accomplished; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that this body urges the Tennessee Congressional Delegation to support and engage in efforts by the State of Tennessee to develop and manage public lands within the West Tennessee Tributaries

Mitigation Lands Wildlife Management Plan; and to encourage, when appropriate, all pertinent federal agencies to assist and work with the State of Tennessee in this endeavor.

BE IT FURTHER RESOLVED, that the Speaker of the House of Representatives may appoint a special task force comprised of persons knowledgeable on wildlife management and conservation issues. Members of the task force shall serve without compensation but may be reimbursed for travel expenses. The task force shall consist of no more than nine (9) members including no more than two (2) members of the general assembly. The task force shall study and support wildlife management activities in northwest Tennessee.

BE IT FURTHER RESOLVED, that appropriate copies of this resolution be prepared and sent to each member of the Tennessee Congressional Delegation with this final clause omitted from such copies.